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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,992	03/03/2004	Morton G. Swimmer	CH920020050US1	4840
7590 03/09/2007 Intellectual Property Law Dept. IBM Corporation P.O. Box 218 Yorktown Heights, NY 10598			EXAMINER FIELDS, COURTNEY D	
			ART UNIT	PAPER NUMBER
			2137	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/791,992

Applicant(s)

SWIMMER ET AL.

Examiner

Courtney D. Fields

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-23 are pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 20-21 and 23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of § 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-19 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang (US Patent No. 5,414,844).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art

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under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Referring to the rejection of claims 1 and 10, Wang discloses a method and apparatus for controlling access to an object in a data processing system, comprising:

receiving an access request to access the object from a task; (See Column 5, lines 60-63)

classifying the access request into one of critical and non-critical classes in dependence on stored access control data associated with the object and the task; (See Column 5, lines 66-67, Column 6, lines 1-8)

granting the task access to the object and storing data indicative of the access in an access log if the access is classified into the non-critical class; (See Column 6, lines 8-11)

and, in the event that the access is classified into the critical class, granting or denying the task access to the object in dependence on the contents of the access log and the stored access control data (See Column 6, lines 12-23)

Referring to the rejection of claims 2 and 11, Wang discloses the claimed limitation wherein in the event that the access is classified into the non-critical class, granting or denying the task access to the object in dependence on the access control data, and storing data indicative of the grant or denial in the access log. (See Column 6, lines 37-42)

Referring to the rejection of claims 3 and 12, Wang discloses the claimed limitation wherein the non-critical class comprises a plurality of subclasses and the classifying comprises classifying the access request into one of the subclasses in dependence on the stored access control data. (See Column 4, lines 2-8)

Referring to the rejection of claims 4 and 13, Wang discloses the claimed limitation wherein the subclasses comprise a first subclass and a second subclass. (See Column 5, lines 27-35)

Referring to the rejection of claims 5 and 14, Wang discloses the claimed limitation wherein storing recovery data in the access log if the access is classified into the second subclass. (See Column 5, lines 36-56)

Referring to the rejection of claims 6 and 15, Wang discloses the claimed limitation wherein inspecting the access log to identify a bad grant decision based on the contents of the access log and the access control data; (See Column 6, lines 12-20)

and, on detection of a bad grant decision, rolling back any objects affected by the bad grant decision. (See Column 6, lines 20-23)

Referring to the rejection of claims 7 and 16, Wang discloses the claimed limitation wherein the rolling back comprises recovering data overwritten in the object. (See Column 5, lines 1-7)

Referring to the rejection of claims 8 and 17, Wang discloses the claimed limitation wherein performing the inspecting periodically. (See Column 3, lines 18-24)

Referring to the rejection of claims 9 and 18, Wang discloses the claimed limitation wherein performing the inspecting during periods in which the data processing system is otherwise idle. (See Column 5, lines 60-65)

Referring to the rejection of claim 19, Wang discloses a data processing system, comprising:

a central processor unit; (See Column 3, lines 8-12)

a memory; (See Column 3, lines 12-15)

and apparatus as recited in claim 10 connected to the central processor unit and the memory. (See Column 3, lines 35-39)

Referring to the rejection of claim 22, Wang discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for controlling access to an object in a data processing system, said method steps comprising the steps of claim 1. (See Column 3, lines 16-23)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



cdf

March 4, 2007



EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER